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Paper No. 19

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**AUG 04 2003**

**OFFICE OF PETITIONS**

In re  
Robert W. Brown and Bruce A. Kade  
Reissue Application No. 09/585,788  
Filing Date: June 5, 2000  
Reissue of Patent No. 5,759,606  
Original Issue Date: June 2, 1998  
Attorney Docket No. RE-001

LETTER

This is in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), filed July 23, 2003.

**This is not a decision on the merits of that petition.** Rather, this letter is drafted in response to petitioner's assertions therein that indicate that the petition under § 1.137(b) is also being submitted both to revive application No. 09/585,788 and to reinstate patent No. 5,759,606, which petitioner states has expired for failure to pay the 3 ½ year maintenance fee.

Petitioner is advised that the instant petition under § 1.137(b) is not the proper venue for requesting reinstatement of a patent for failure to pay maintenance fees. Nor does the instant petition include a separate section establishing that the requirements under § 1.378 for acceptance of a ~~the~~ delayed payment of the maintenance fee have been met. Accordingly, it is requested that petitioner submit a separate petition meeting the requirements of 37 CFR § 1.378(b) or (c), as appropriate, in order to reinstate the patent. Petitioner is further reminded that any such petition should be filed promptly, as petitioner is required to also show that the entire delay in filing the petition under § 1.378 was either unintentional or unavoidable (It is unnecessary to await a decision on the petition under § 1.137(b)).

**After mailing of this letter, the application file is being returned to the undersigned for consideration of the petition under § 1.137(b).**

Further correspondence with respect to this matter should be addressed as follows:

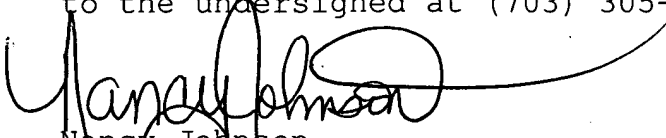
By mail: Mail Stop Petition  
Commissioner for Patents  
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By FAX: (703) 308-6916  
Attn: Office of Petitions

**Attn: Nancy Johnson**

By hand: Office of Petitions  
2201 South Clark Place  
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Telephone inquiries related to this decision should be directed  
to the undersigned at (703) 305-0309.



Nancy Johnson  
Petitions Attorney  
Office of Petitions